REMARKS

Claims 20, 24-26, 29-31, 45, 46, 48, 51 and 95-97 are pending in the instant application. Claims 20, 24-26, 30, 31, 48 and 95-97 have been rejected. Claims 29, 45, 46 and 51 are objected to. Claims 20, 26, 30 and 95 have been amended. New claims 98-101 have been added. No new matter has been added. Reconsideration is respectfully requested in light of these amendments and the following remarks.

I. Rejection of Claim 95 under 35 U.S.C. 102(e)

The rejection of claim 95 under 35 U.S.C. 102(e) as being anticipated by Schlegel et al. (US 2003/0108963) has been maintained. The Examiner suggests that Schlegel teaches a kit comprising a polyclonal antibody that binds to mammalian Cln101 as part of a kit comprising antibodies that bind PSA. The Examiner has acknowledged that Schlegel et al. does not specifically teach polyclonal antibodies generated by Cln101 protein would compete for binding to the same epitope as the epitope bound by antibodies produced by a hybridoma selected from the group consisting of ATCC accession number PTA-5877 and PTA-5876. However, the Examiner suggests that the cln101 antibodies of the claimed kit appear to be the same as those of the prior art, absent a showing of unobvious differences.

Applicants respectfully traverse this rejection.

It is respectfully pointed out that claim 95 depends from claim 30 which has been amended to recite an isolated monoclonal antibody which competes for binding to the same epitope as the epitope bound by the monoclonal antibody produced by a hybridoma selected from the group consisting of ATCC accession number PTA-5877 and PTA-5876.

Schlegel et al. does not teach this claim element and therefore cannot anticipate the instant claimed invention. See MPEP 2131.

Withdrawal of this rejection is respectfully requested.

II. Rejection of Claim 20 under 35 U.S.C. 103(a)

The rejection of claim 20 under 35 U.S.C. 103(a) as being unpatentable over Soppet and Dillon (U.S. Patent 5,861,494), and further in view of Sakamoto (Gut, March 1987, 28:323-329) has been maintained. The Examiner suggests that one of ordinary skill in the art at the time the invention was made would have been motivated to produce a kit comprising antibodies that bind Cln101 and antibodies that bind CA125 because Soppet and Dillon teaches a kit comprising antibodies that specifically bind Cln101 to diagnose metastatic colon cancer, Sakamoto et al. teaches a kit comprising an antibody that specifically binds CA125 to diagnose metastatic colon cancer, and one of skill in the art would recognize that a kit with antibodies that detect

both Cln101 and CA125 would be more sensitive than a kit that detect either marker alone.

Applicants respectfully traverse this rejection.

It is respectfully pointed out that claim 20 has been amended to recite that the assay for Cln101 comprises an antibody of claim 30. Claim 30 which has been amended to recite an isolated monoclonal antibody which competes for binding to the same epitope as the epitope bound by the monoclonal antibody produced by a hybridoma selected from the group consisting of ATCC accession number PTA-5877 and PTA-5876. Neither Soppet and Dillon (U.S. Patent 5,861,494) nor Sakamoto (Gut, March 1987, 28:323-329) teach or suggest this claim element. Accordingly, the cited combination of references does not teach or suggest all the claim limitations and therefore cannot render obvious the instant claimed invention.

Withdrawal of this rejection is therefore respectfully requested.

III. Rejection of Claims 24-26, 30, 31, 48, 96 and 97 under 35 U.S.C. 102(b)

Claims 24-26, 30, 31, 48, 96 and 97 have been rejected under 35 U.S.C. 102(b) as being anticipated by Soppet and Dillon (U.S. Patent 5,862,494). The Examiner suggests that Soppet and Dillon teaches polyclonal antibodies generated by the cln101 molecule that specifically bind cln101 in vivo

and in vitro. The Examiner suggests that Soppet and Dillon also teach antibodies as Fab fragment, conjugated to a growth inhibitor or a cytotoxic agent, in compositions comprising a carrier and detectably labeled.

Applicants respectfully traverse this rejection.

Claim 30, from which claims 24-26, 31, 48, 96 and 97 ultimately depend has been amended to recite an isolated monoclonal antibody which competes for binding to the same epitope as the epitope bound by the monoclonal antibody produced by a hybridoma selected from the group consisting of ATCC accession number PTA-5877 and PTA-5876.

Soppet and Dillon (U.S. Patent 5,862,494) do not teach this claim element and therefore cannot anticipate the instant claimed invention.

Withdrawal of this rejection is respectfully requested.

IV. Allowable Subject Matter

Claims 29, 45, 46 and 51 have been acknowledged to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

It is respectfully pointed out, however, that the independent claims have been amended in a manner believed to overcome all pending rejections. Accordingly, further amendment of claims 29, 45, 46 and 51 should not be required.

V. Conclusion

Applicants believe that the foregoing comprises a full and complete response to the Office Action of record. Accordingly, favorable reconsideration and subsequent allowance of the pending claims is earnestly solicited.

Respectfully submitted,

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